



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

November 17, 1995

Ms. Maria Salinas Parker
Coats, Rose, Yale, Holm, Ryman & Lee
800 First City Tower
1001 Fanin
Houston, Texas 77002-6707

OR95-1254

Dear Ms. Parker:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 32045.

The Harris County Water Control and Improvement District No. 110 of Harris County, Texas (the "district"), which operates the Forest Oaks Swim and Racquet Club (the "club"), has received a request for the names and telephone numbers of the women who participate in the tennis league at the club. The district has also received a request for information about the amount of money earned by the club's tennis pro from private tennis lessons. The district contends that the requested information is not public information under section 552.021 of the Open Records Act.¹

Section 552.021 provides in pertinent part as follows:

(a) Information is public information if, under a law or ordinance or in connection with the transaction of official business, it is collected, assembled, or maintained:

¹We note that the open records laws were substantially amended by the Seventy-fourth Legislature. Act of May 29, 1995, 74th Leg., R.S., ch. 1035, 1995 Tex. Sess. Law Serv. 5127 (Vernon) (to be codified as amendments to Gov't Code ch. 552). The amendments to chapter 552 "affecting the availability of information, the inspection of information, or the copying of information, including the costs for copying information, apply only to a request for information that is received by a governmental body on or after September 1, 1995." *Id.* § 26(a), 1995 Tex. Sess. Law Serv. at 5142 (Vernon). A request for information that is received by a governmental body prior to September 1, 1995, is governed by the law in effect at the time the request is made. *Id.*

(1) by a governmental body; or

(2) for a governmental body and the governmental body owns the information or has a right of access to it.

You assert that the tennis league roster is not public information because “[a]ny information concerning the women’s tennis league is collected by the [recreational facilities] manager in her private capacity and for her private purposes. The District does not receive any moneys from the Women’s Tennis League nor does it regulate its activities.” You have submitted to this office a document entitled “Harris County Water Control and Improvement District No. 110 Rules and Regulations for Park Facilities.” Under these rules and regulations, the manager of the park facilities is required to operate and maintain the park facilities and to enforce the rules and regulations. Part II, section 2.04 of the rules and regulations provides as follows:

All tennis leagues must be coordinated through the Manager of the Park Facilities. Tennis league schedules shall be submitted to the Manager of the Park Facilities before the commencement of each league season for approval. Approved league schedules shall be posted at the tennis courts by the Manager of the Park Facilities.

It is apparent from this provision that the manager, in her official capacity as a district employee, is charged with coordinating the tennis leagues. Assuming that the manager has collected, assembled, or maintained the tennis league roster in connection with her official duties, we believe that this information is public information subject to the Open Records Act. We further note that you state in your letter dated April 5, 1995, that members of the tennis league are members of the club. Clearly, the club’s membership lists are public information. Because you have raised no other exceptions to required public disclosure and this information does not appear to be confidential under law, it must be released.

You assert that information about the amount of money earned by the club’s tennis pro from private tennis lessons is not public information because

[t]he recreational facilities manager, in her private capacity, as a tennis pro gives private tennis lessons. This activity is distinct and independent of her job as the recreational facilities manager. Persons taking private tennis lessons from the tennis pro pay the tennis pro directly for these lessons and these funds are not handled by [the district].

.... Any information concerning the moneys received from private tennis lessons is collected and maintained by the manager in her private capacity and for her private purposes. The District does not receive any moneys from the tennis lessons nor does it regulate the tennis lessons.

Assuming that the recreational facilities manager gives private tennis lessons and collects the fees for such lessons purely in an unofficial capacity, and that the district does not receive moneys from the tennis lessons or regulate them in any way, we agree that information about the amount of money earned by the club's tennis pro from private tennis lessons is not public information within the meaning of the Open Records Act.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and may not be relied upon as a previous determination under section 552.301 regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Loretta R. DeHay
Assistant Attorney General
Open Records Division

LRD/MRC/rho

Ref.: ID# 32045

cc: Mr. Art C. Browning
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